

Application Serial No. 10/780,237
Attorney Docket No. 60001.0289US01/MS305239.1

REMARKS

This Amendment is in response to the Office Action dated June 27, 2006. Claims 1-20 were examined in the Office Action. Claims 1-20 were rejected.

Examination and reconsideration based on this Amendment and the following remarks are respectfully requested.

Claim Rejections - 35 U.S.C. § 101

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention was directed to non-statutory subject matter. Independent Claims 1, 15, and 18 have been amended and overcome this rejection. Applicants respectfully submit that Claims 1, 15, 18 and their respective dependencies recite practical applications as claimed because there is production of a concrete, useful and tangible result.

Double Patenting

The Office Action states that if claims 1-5 are found to be allowable, claims 15-17 would be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Applicants respectfully request that this objection be held in abeyance until allowable subject matter has been confirmed.

Claim Rejections - 35 U.S.C. § 102

Claims 1-20 were rejected under 35 U.S.C. 102(a) as being clearly anticipated by Microsoft (Overview of WordprocessingML, hereinafter "ML Overview").

ML Overview reference should be removed as a prior art reference

Per the Declaration submitted along with the present amendment under 37 CFR 1.132, ML Overview does not qualify as prior art under 35 USC 102(a) because the cited portions of ML Overview are Applicants' disclosure of their own work within the year before the application filing date. Thus, ML Overview cannot be used against Applicants under 35 USC 102(a). In re Katz, 687 F.2d 450, 215 USPQ 14 (CCPA 1982) (Also see MPEP 2132.01). The relevant portions of the publication, ML Overview, originated with, or were obtained from, Applicants. The relevant portions of the publication describe the Applicants' own work. Thus, claims 1-20 are allowable over ML Overview for at least this reason.

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Claim 1

Applicant's amended claim 1 is drawn to a method of detecting executable code embedded in an Extensible Markup Language (XML) document. The method comprises, among other features, applying an attribute to a root level element of the XML markup for notifying a subsequent application of the presence of the embedded executable code. The attribute includes a flag structure that indicates rejection of the XML document by the subsequent application or a flag structure that indicates continuation of parsing the XML document by the subsequent application. In contrast, although ML Overview discloses attributes, ML Overview does not explicitly disclose that the attribute includes a flag structure that indicates rejection or continued parsing of the XML document by the subsequent application. (See ML Overview, page 27 first and second paragraphs). Thus, amended claim 1 is allowable over ML Overview, because ML Overview does not anticipate amended claim 1.

Claim 15

Amended claim 15 is drawn to a method of detecting executable code embedded in an Extensible Markup Language (XML) document. The method comprises, among other features, applying an attribute to a root level element of the XML markup for notifying a subsequent application of the presence of the embedded executable code. The attribute includes a flag structure that indicates rejection of the XML document by the subsequent application.

In contrast, although ML Overview discloses attributes, ML Overview does not explicitly disclose that the attribute includes a flag structure that indicates rejection of the XML document by the subsequent application. (See ML Overview, page 27 first and second paragraphs). Thus, amended claim 15 is allowable over ML Overview, because ML Overview does not anticipate amended claim 15.

Claim 18

Amended claim 18 is drawn to a computer-readable medium on which is stored instructions which when executed by a computer perform a method of detecting executable code embedded in an Extensible Markup Language (XML) document. The method comprises, among other features, (1) locating an executable code embedded in the document and (2) applying an attribute to a root level element of the XML markup for notifying a subsequent application of the presence of the embedded executable code wherein the attribute comprises a flag structure that

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indicates rejection of the XML document by the subsequent application. The subsequent application is notified of the presence of the embedded executable code without the subsequent application first parsing all elements of the XML document prior to the embedded executable code.

In contrast, although ML Overview discloses attributes, ML Overview does not explicitly disclose that the attribute includes a flag structure that indicates rejection of the XML document by the subsequent application. (See ML Overview, page 27 first and second paragraphs). Thus, amended claim 18 is allowable over ML Overview, because ML Overview does not anticipate amended claim 18.

Dependent Claims

At least because dependent claims 2-14, 16-17, and 19-20 incorporate the features of amended allowable independent claims 1, 15, or 18 dependent claims 2-14, 16-17, and 19-20 are also allowable over ML Overview.

CONCLUSION

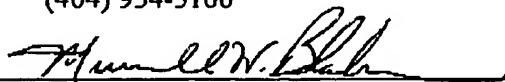
In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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